

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,)	
)	
Appellee,)	
)	
v.)	No. 06-4494
)	
ZACARIAS MOUSSAOUI,)	
)	
Appellant.)	

**APPELLANT’S UNOPPOSED MOTION FOR A TWO-DAY
EXTENSION OF TIME DUE TO WEATHER EMERGENCY TO
FILE PETITION FOR REHEARING AND REHEARING *EN BANC***

Pursuant to Federal Rule of Appellate Procedure 26(b) and Fourth Circuit Local Rules 27(a) and 40(c), appellant Zacarias Moussaoui, through undersigned counsel, hereby moves this Honorable Court for entry of an Order granting a two-day extension of time for the deadline to file a petition for rehearing or rehearing *en banc*, on the basis that the recent snowstorm in the Washington, DC area has forced the closure of the federal government and thereby rendered inaccessible the SCIF that holds classified information related to this matter.

In support of this consented Motion, Mr. Moussaoui states:

1. On January 4, 2009, this Court issued its Judgment and Opinion affirming Mr. Moussaoui's convictions and sentences in their entirety and denying his motion to remand for further proceedings.

2. On January 12, 2010, this Court issued an Order setting February 8, 2010 as the deadline for filing a petition for rehearing or rehearing *en banc*.

3. Fourth Circuit Local Rule 40(c) sets out specific and extraordinary grounds justifying an extension of time to file a petition for rehearing or rehearing *en banc*. Such grounds presently exist.

4. On February 5-6, 2010, a major snow storm struck the Mid-Atlantic region, paralyzing the Washington, DC area, where court-appointed counsel Justin Antonipillai works and resides, and where the Government maintains the secure facility ("SCIF") that holds classified information related to this case.

5. On February 7, 2010, the federal government announced that it would be closed on February 8, 2010. Therefore, counsel will be presumably unable to access the SCIF as will be necessary to complete and file the petition. It is presently unknown whether the federal government will resume normal operations on February 9, 2010, but it is reasonable to assume that it will resume such operations by February 10, 2010. In

addition, undersigned counsel, Justin Antonipillai, has a pre-scheduled hearing scheduled for February 9, 2010, which will likely prevent access to the SCIF on that day.

6. Neither party will be prejudiced by this brief, two-day extension.

7. On February 7, 2010, in accordance with Fourth Circuit Local 27(a), undersigned counsel contacted Kevin Gingras, counsel for the Government to inform opposing counsel about the filing of this motion. Mr. Gingras has indicated that the Government does not oppose to the relief sought herein.

8. Therefore, Zacarias Moussaoui, through undersigned counsel, respectfully requests that this Court grant a two-day extension of the deadline for the filing of any petition for rehearing or rehearing *en banc* so that any such petition now must be filed and served on or before February 10, 2010.

Respectfully Submitted,

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DATED: February 7, 2010

CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2010, I caused the foregoing to be electronically filed with the Clerk of the Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF users:

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